

EXHIBIT 1

In the Matter Of:

SHIMMEL, ET AL. vs LIEUTENANT MOODY, ET AL.

MICHELLE RENEE SHIMMEL

April 25, 2019

Prepared for you by



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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MICHIGAN</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 STEVEN VANCE SHIMMEL</p> <p>6 by Personal Representative,</p> <p>7 ROBERT SHIMMEL,</p> <p>8 Plaintiffs,</p> <p>9 vs. Case No. 1:18-cv-13334</p> <p>10 Hon. Laurie J. Michelson</p> <p>11 LIEUTENANT JOHN MOODY,</p> <p>12 DEPUTY ADAMCZYK, DEPUTY</p> <p>13 JASON JAMES, DEPUTY AMY</p> <p>14 VERRAN and DEPUTY JENNIFER</p> <p>15 MORDE, Jointly and Severally.</p> <p>16 Defendants.</p> <p>17 _____</p> <p>18</p> <p>19</p> <p>20 The Deposition of MICHELLE RENEE SHIMMEL,</p> <p>21 Taken at 8161 South Saginaw Street,</p> <p>22 Grand Blanc, Michigan,</p> <p>23 Commencing at 1:32 p.m.,</p> <p>24 Thursday, April 25, 2019,</p> <p>25 Before Valerie Jo Lohr, CSR-6212.</p>	<p style="text-align: right;">Page 3</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 MICHELLE RENEE SHIMMEL</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. SHOUDY: 4</p> <p>8 EXAMINATION</p> <p>9 BY MR. WILENSKY: 50</p> <p>10</p> <p>11 EXHIBITS</p> <p>12</p> <p>13 EXHIBIT PAGE</p> <p>14 (Exhibits not offered.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 NEAL J. WILENSKY</p> <p>4 Law Office of Neal J. Wilensky, PC</p> <p>5 6005 West St. Joseph</p> <p>6 Suite 303</p> <p>7 Lansing, Michigan 48917</p> <p>8 (517) 323-1111</p> <p>9 cindykwlaw@gmail.com</p> <p>10 Appearing on behalf of the Plaintiffs.</p> <p>11</p> <p>12 TODD J. SHOUDY</p> <p>13 Fletcher, Fealko, Shoudy & Francis, PC</p> <p>14 1411 Third Street</p> <p>15 Suite F</p> <p>16 Port Huron, Michigan 48060</p> <p>17 (810) 987-8444</p> <p>18 tshoudy@fletcherfealko.com</p> <p>19 Appearing on behalf of the Defendants.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Grand Blanc, Michigan</p> <p>2 Thursday, April 25, 2019</p> <p>3 1:32 p.m.</p> <p>4</p> <p>5 MICHELLE RENEE SHIMMEL,</p> <p>6 was thereupon called as a witness herein, and</p> <p>7 after having first been duly sworn to testify</p> <p>8 to the truth, the whole truth and nothing but</p> <p>9 the truth, testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MR. SHOUDY:</p> <p>12 Q. Okay. Let the record reflect that this is the</p> <p>13 deposition of Michelle Shimmel.</p> <p>14 A. Correct.</p> <p>15 Q. Taken pursuant to notice as to date and time and</p> <p>16 location and is to be used for all purposes permitted</p> <p>17 under the Federal Rules of Evidence and the Federal</p> <p>18 Rules of Civil Procedure.</p> <p>19 Miss Shimmel, I appreciate you being here</p> <p>20 today. And as I understand it, you're appearing</p> <p>21 voluntarily?</p> <p>22 A. Yes.</p> <p>23 Q. Could you please state your full name for the record.</p> <p>24 A. Michelle Renee Shimmel.</p> <p>25 Q. And, ma'am, have you given a deposition before?</p>

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<p style="text-align: right;">Page 5</p> <p>1 A. No, I have not.</p> <p>2 Q. All right. So let me just go through the basic ground</p> <p>3 rules of the deposition process so we're all on the</p> <p>4 same page. First of all, as I introduced myself to you</p> <p>5 earlier, I'm the attorney representing Deputy John</p> <p>6 Moody, Deputy Adamczyk, Deputy Jason James, Deputy Amy</p> <p>7 Verran and Deputy Jennifer Morden in a lawsuit that was</p> <p>8 filed by Robert Shimmel on behalf of your late father,</p> <p>9 Steven Shimmel. Okay?</p> <p>10 A. Okay.</p> <p>11 Q. As you can see, everything that we say and everything</p> <p>12 I'm saying and everything you'll be saying will be</p> <p>13 taken down by the court reporter who's sitting just to</p> <p>14 your left.</p> <p>15 A. Okay.</p> <p>16 Q. Because she's taking down everything that we say, we</p> <p>17 have to make sure we communicate verbally.</p> <p>18 A. Okay.</p> <p>19 Q. So, for example, if I ask you a question that calls for</p> <p>20 a yes or no answer, a head nod or a head shake or an</p> <p>21 huh-huh or uh-huh are insufficient for the court</p> <p>22 reporter, okay?</p> <p>23 A. Okay.</p> <p>24 Q. If you give me that type of response, I'll prompt you</p> <p>25 to verbalize your answer, okay?</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. It might not be in the middle of a question, that type</p> <p>2 of thing, okay?</p> <p>3 A. Okay.</p> <p>4 Q. Is there any reason you can't give your best testimony</p> <p>5 today?</p> <p>6 A. No.</p> <p>7 Q. All right. And, ma'am, what's your current address?</p> <p>8 A. 3476 West Dayton, D-a-y-t-o-n, Street, Flint, Michigan,</p> <p>9 48504.</p> <p>10 Q. And how long have you lived at that address?</p> <p>11 A. I've been here since July of 2018.</p> <p>12 Q. Okay. And is that a rental?</p> <p>13 A. Yes. I'm currently looking for somewhere else to</p> <p>14 reside right now.</p> <p>15 Q. Sure. And I think you indicated you have three</p> <p>16 children under the age of two?</p> <p>17 A. Correct.</p> <p>18 Q. Or two and under?</p> <p>19 A. Yeah, two and under.</p> <p>20 Q. Anyone else live with you at that address?</p> <p>21 A. My fiancé.</p> <p>22 Q. And what's your fiancé's name?</p> <p>23 A. Randall James, common spelling for both.</p> <p>24 Q. Is Mr. James the father of one or more of the children?</p> <p>25 A. Yes. He's the father of my two youngest.</p>
<p style="text-align: right;">Page 6</p> <p>1 A. Okay.</p> <p>2 Q. Now, if I ask you a question and you don't understand</p> <p>3 the question, will you please let me know?</p> <p>4 A. Yes.</p> <p>5 Q. That's important. Because if you answer the question,</p> <p>6 we're going to assume that you understood the question,</p> <p>7 okay?</p> <p>8 A. Right. Correct. Okay.</p> <p>9 Q. Now, from time to time the lawyer representing your</p> <p>10 father's estate may place objections on the record.</p> <p>11 A. Okay.</p> <p>12 Q. And we're not sitting before a judge who can rule on</p> <p>13 those objections, so the procedure we use at a</p> <p>14 deposition is I may prompt you to answer the question</p> <p>15 over the objection if you can, okay?</p> <p>16 A. Okay.</p> <p>17 Q. If you need to take a break for any reason, will you</p> <p>18 please let me know?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Yes?</p> <p>21 A. Yes. Sorry.</p> <p>22 Q. That's all right. Everybody does it.</p> <p>23 And if you need to take a break, we'll find a</p> <p>24 good place to break.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. And what's your age, ma'am?</p> <p>2 A. I am 23.</p> <p>3 Q. And your educational background?</p> <p>4 A. I am currently in school right now trying to obtain my</p> <p>5 high school diploma through an alternative school. I</p> <p>6 made it to eleventh grade. I was in school, and my</p> <p>7 father passed away, and I dropped out because it was</p> <p>8 too hard for me to attend.</p> <p>9 Q. Okay. So what high school did you start at?</p> <p>10 A. Carman-Ainsworth High School.</p> <p>11 Q. So at Carman-Ainsworth you went until the eleventh</p> <p>12 grade?</p> <p>13 A. I went until the tenth grade, and then I moved to</p> <p>14 Toledo, Ohio for about a year, a year and a half, and I</p> <p>15 went to Woodward High School there, and then I came</p> <p>16 back here. And I got kind of didn't go to school for a</p> <p>17 while, and then right prior to my dad passing away I</p> <p>18 got back into a program at Mott. And after he passed</p> <p>19 away I -- well, actually, when I found out he was in</p> <p>20 Sanilac County Jail, I stopped going. The day that I</p> <p>21 found out, I was in school. And the circumstances of</p> <p>22 him being arrested were too hard for me to kind of</p> <p>23 handle emotionally, so I stopped going to school.</p> <p>24 Q. Okay. Now, I have the date of your father's arrest up</p> <p>25 in Sanilac County as November 19th, 2017.</p>

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<p>1 A. Correct. Which was a Sunday, and I didn't find out 2 until Monday. 3 Q. So then on November 20th, that would be the day you 4 dropped out? 5 A. Uh-huh. 6 Q. Yes? 7 A. Yes. Sorry. 8 Q. That's all right. And so did you officially drop out 9 or you just stopped going? 10 A. I just stopped going. 11 Q. Gotcha. Okay. And at that time how old were you? 12 A. I was 21. 13 Q. Okay. And when did you first start in the GED program 14 at Mott? 15 A. I was only going there for probably about two weeks 16 before that. 17 Q. So sometime in early November? 18 A. Yes. 19 Q. Of 2017? 20 A. Yes, I believe so. 21 Q. All right. So you dropped out on the 20th of 22 November 2017? 23 A. Yes. 24 Q. And did you say you've started again? 25 A. Yes. I just recently started. One day last week I</p>	<p>1 A. Yes. 2 Q. Okay. So maybe earlier this year you worked? 3 A. Yes. I worked -- I want to say I stopped working about 4 three -- no, it was about four months before I had my 5 daughter. And I had her in March, so it was probably 6 like the end of December I stopped working. I was 7 working at a factory for like a month, and that was 8 only because I had no options. I had to come up with 9 something for my children. 10 Q. Sure. In 2017 were you employed? 11 A. Yeah. I had a couple of jobs. I worked at Meijers for 12 like two weeks. I worked as a home health aide for 13 Mercy Plus for about two months. 14 Q. Sure. 15 A. And it was just little three-hour visits at people's 16 houses helping them out. Nothing that was like 17 longterm or anything like that. 18 Q. Sure. Like in November of 2017, I think you indicated 19 you were at Mott working towards your GED. Were you 20 working at that time? 21 A. No, I was not. 22 Q. Were you working right before you started at Mott? 23 A. No, I was not. 24 Q. Okay. Any other jobs you've had since 2017? 25 A. Little side jobs. I did -- I was a collections caller</p>
Page 10	Page 12
<p>1 went and enrolled. Actually, it was Thursday of last 2 week. I went and enrolled at Atherton Alternative Ed 3 off of Center Road across from Meijers. 4 Q. Okay. And when do you start? 5 A. I already started. I started that day. 6 Q. Oh, okay. 7 A. And it's online, and it's kind of like at your own 8 pace. They recommended that because my testing scores 9 were so high that I just go for my GED, because then I 10 will only have to do 40 hours and I can get it a lot 11 faster than trying to do my high school diploma. But I 12 just thought like if I got my high school diploma that 13 it would make my dad proud, so. 14 Q. Sure. So are you employed? 15 A. No. 16 Q. Okay. When were you last employed? 17 A. Honestly, it's been a while. I'm seeking disability 18 right now, because I have epilepsy amongst a lot of 19 other -- I've struggled with depression my whole life 20 and anxiety and bipolar, so it makes it really hard for 21 me to communicate the way I need to. 22 Q. Okay. When were you last employed? 23 A. It's been -- I can't really give a definite answer for 24 that. 25 Q. Have you worked since your father passed away?</p>	<p>1 for a -- for urgent care. Like you called urgent care, 2 somebody's patient. I was a collections caller for 3 that. That was okay for me to do because I was at a 4 desk and on a phone with people that I wasn't seeing 5 face to face. No. Other than that, no. 6 Q. Any other education that you've had other than what 7 you've already said? 8 A. No. 9 Q. Trade schools, go to college, anything like that? 10 A. No. 11 Q. Other than the time I think you said you went to 12 Toledo, have you lived in Flint your whole life other 13 than that? 14 A. Yes. 15 Q. Okay. And how long were you in Toledo? 16 A. I was there for a year to a year and a half. 17 Q. Now, do you have any criminal convictions yourself? 18 A. I myself have -- I've had one. 19 Q. Okay. 20 A. It's like not recognizable, because I completed drug 21 court. I took a charge for my ex-boyfriend. It was a 22 cocaine charge. 23 Q. Okay. Was it delivering cocaine? 24 A. Possession with intent to deliver 50 grams or less. 25 And I got HYTA, and I completed drug court for it.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. And was that prior to 2017?</p> <p>2 A. Actually, I graduated drug court on November 6th, 2017.</p> <p>3 Q. And you say you took that charge for your boyfriend?</p> <p>4 A. Yes. Who is now in jail for murder, so.</p> <p>5 Q. Oh, okay. And what was his name?</p> <p>6 A. His name is Ojwjuan King. He wasn't involved with my</p> <p>7 dad at all.</p> <p>8 Q. Okay. Did you serve any jail time for that?</p> <p>9 A. Yeah. I was in jail for approximately three months. I</p> <p>10 got out around I want to say January 30ish, and I</p> <p>11 started therapy at Catholic Charities and going to drug</p> <p>12 court regularly.</p> <p>13 Q. So January 30th, 2017?</p> <p>14 A. No. No. This charge goes back to 2015. I got it in</p> <p>15 like October, I believe, of 2015. And then I was in</p> <p>16 jail from October until January. And then I was in</p> <p>17 drug court from then on until November 6th of 2017.</p> <p>18 Q. Okay. And drug court, I assume you have to test</p> <p>19 negative and go through drug testing and you passed</p> <p>20 that okay?</p> <p>21 A. Yes. I passed it okay.</p> <p>22 Q. Are you addicted to any drugs?</p> <p>23 A. I wouldn't say addicted.</p> <p>24 Q. Do you have addiction issues?</p> <p>25 MR. WILENSKY: Objection, relevance.</p>	<p style="text-align: right;">Page 15</p> <p>1 son as well?</p> <p>2 A. Correct.</p> <p>3 Q. And same mother as well?</p> <p>4 A. Yes.</p> <p>5 Q. And what's your older brother's name?</p> <p>6 A. Andrew Steven Shimmel.</p> <p>7 Q. And how old is Andrew?</p> <p>8 A. Andrew is -- he was born December 21st, '93.</p> <p>9 Q. Twenty-five?</p> <p>10 A. Yeah.</p> <p>11 Q. And is he local?</p> <p>12 A. No, he's not. He's in the Navy. Right now he's in</p> <p>13 North Carolina, I believe.</p> <p>14 Q. In November of 2017, was he in the Navy in North</p> <p>15 Carolina as well at that time?</p> <p>16 A. I'm not -- I kind of want to say he was deployed, but</p> <p>17 I'm not 100 percent sure. I know that we had to go</p> <p>18 through Red Cross to get him notified because he was</p> <p>19 out on a ship. And they had to go through like the</p> <p>20 airwaves to notify him and stuff like that.</p> <p>21 Q. You're talking about when your father died?</p> <p>22 A. Yes. So I'm not 100 percent positive on that.</p> <p>23 Q. So is your father's mother and father still alive?</p> <p>24 A. No, they're not. They're both deceased.</p> <p>25 Q. And were they deceased prior to 2017?</p>
<p style="text-align: right;">Page 14</p> <p>1 BY MR. SHOUDY:</p> <p>2 Q. You can go ahead and answer. It's just a discovery</p> <p>3 dep.</p> <p>4 A. I've smoked marijuana for my epilepsy, so CBD to help</p> <p>5 me with my seizures.</p> <p>6 Q. Cocaine, heroin, anything like that?</p> <p>7 A. No. I don't do anything like that.</p> <p>8 Q. All right. So what is the name of your mother?</p> <p>9 A. My mom's name is Tami, T-a-m-i.</p> <p>10 Q. And is it still Shimmel, or is it a different last</p> <p>11 name?</p> <p>12 A. It was never Shimmel. Her last name is Husak,</p> <p>13 H-u-s-a-k. That's her married name.</p> <p>14 Q. And what was her name when you were born?</p> <p>15 A. Robbins, R-o-b-b-i-n-s.</p> <p>16 Q. Okay. So your mother and your father were never</p> <p>17 married?</p> <p>18 A. Correct.</p> <p>19 Q. Was your father ever married?</p> <p>20 A. No.</p> <p>21 Q. And do you have any siblings?</p> <p>22 A. Yes. I have an older brother that has the same mom and</p> <p>23 dad, and I have a younger brother that has a different</p> <p>24 dad.</p> <p>25 Q. All right. So the older brother would be your father's</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. Does your father have any siblings?</p> <p>3 A. Yes.</p> <p>4 Q. Quite a few, right?</p> <p>5 A. Yes, quite a few.</p> <p>6 Q. Like ten maybe, something like that?</p> <p>7 A. Mary, Tom, Bob -- he has -- he had a lot. Some of them</p> <p>8 are deceased. So, I mean, the ones that are alive,</p> <p>9 there's a few left.</p> <p>10 Q. Okay. Which ones are deceased?</p> <p>11 A. My Uncle Arnold is deceased, my Aunt Celia, my Uncle</p> <p>12 Tom, and my Uncle -- what is his name? See, I didn't</p> <p>13 have the best relationship with all my uncles and</p> <p>14 aunts. Like, I didn't see them all the time. My Uncle</p> <p>15 John is deceased as well.</p> <p>16 Q. And those would all be your father's brothers and one</p> <p>17 sister, Celia?</p> <p>18 A. Correct.</p> <p>19 Q. Did any of them die from suicide or any mental health</p> <p>20 issues?</p> <p>21 A. I'm not 100 percent sure. I've heard stories about my</p> <p>22 Aunt Celia's death being a possible suicide, but I'm</p> <p>23 not 100 percent sure.</p> <p>24 Q. Okay. What aunts or uncles of yours was your father</p> <p>25 closest with?</p>

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<p style="text-align: right;">Page 17</p> <p>1 A. My Aunt Ruth and my Uncle Bob.</p> <p>2 Q. Aunt Ruth?</p> <p>3 A. Yes.</p> <p>4 Q. I wasn't sure if you said Ruth or Rutha.</p> <p>5 A. Ruth.</p> <p>6 Q. Ruth, okay. And Aunt Ruth would be a Shimmel as well?</p> <p>7 A. Her last name is Buning, B-u-n-i-n-g. She's married.</p> <p>8 Q. And then Bob is Robert Shimmel?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Did your father have addiction issues?</p> <p>11 A. Yes.</p> <p>12 Q. And do you know what drugs he was addicted to?</p> <p>13 A. Pretty much everything, heroin, crack cocaine. He</p> <p>14 wasn't -- he didn't like marijuana as far as himself</p> <p>15 doing it. He -- alcohol occasionally. If my dad drank</p> <p>16 alcohol, I knew that everything else was going to</p> <p>17 follow. I'm not really too sure if there was pills or</p> <p>18 anything else, but that's what I know of.</p> <p>19 Q. Sure. And do you know how long he was addicted to</p> <p>20 heroin?</p> <p>21 A. On and off, my whole life. I'm not sure if it was</p> <p>22 before I was born as well, but I know on and off my</p> <p>23 whole life.</p> <p>24 Q. Sure. Same thing with crack cocaine?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 19</p> <p>1 Other than that, I'm not really certain.</p> <p>2 Q. Okay. Do you know when he had last gone to CMH?</p> <p>3 A. No.</p> <p>4 Q. Was he going to CMH in 2017, or you don't remember?</p> <p>5 A. I don't remember. And if it was, it would have been</p> <p>6 the beginning of 2017.</p> <p>7 Q. Okay. Now, had there been any history of suicide</p> <p>8 attempts by your father?</p> <p>9 A. Not that I'm aware of at all.</p> <p>10 Q. Okay.</p> <p>11 A. My dad disclosed multiple times that he wanted to live</p> <p>12 to be there for his grandchildren and me, so.</p> <p>13 Q. Now, in November of 2017 you had one at home at that</p> <p>14 time, right?</p> <p>15 A. Yes. And I was pregnant.</p> <p>16 Q. And you were pregnant with the second one?</p> <p>17 A. Yes.</p> <p>18 Q. And what would be your oldest would be his grandchild?</p> <p>19 A. Yes.</p> <p>20 Q. Would that be his first grandchild?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. I assume he was fairly close with the</p> <p>23 grandchild?</p> <p>24 A. Yes.</p> <p>25 Q. Sure. Now, was there a time shortly before he was</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Same thing, on and off your whole life?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you recall any type of treatment he was</p> <p>4 receiving for addiction issues, heroin or crack</p> <p>5 cocaine?</p> <p>6 A. Prior to him passing, he hadn't had too much treatment</p> <p>7 since 2016.</p> <p>8 Q. And what treatment did he have in 2016?</p> <p>9 A. He went to Salvation Army I believe it was at that time</p> <p>10 for like a 90 day program. It was either Salvation</p> <p>11 Army or Sacred Heart at that time.</p> <p>12 Q. Is that inpatient?</p> <p>13 A. Yes. He was away.</p> <p>14 Q. And do you know which Sacred Heart facility?</p> <p>15 A. I'm not 100 percent sure. Like I said, I don't even</p> <p>16 remember if it was Sacred Heart or Salvation Army.</p> <p>17 Q. Sure.</p> <p>18 A. So I just know that he was away from home. I was</p> <p>19 living with him at that time.</p> <p>20 Q. Any other treatment that you recall him receiving or</p> <p>21 participating in?</p> <p>22 A. I mean, he used to go to CMH. And I know he was trying</p> <p>23 to get Suboxone to help him with his addiction, weaning</p> <p>24 him off and stuff. So I'm sure that there's times</p> <p>25 prior to him passing that that could be in the record.</p>	<p style="text-align: right;">Page 20</p> <p>1 arrested where he overdosed?</p> <p>2 A. Yes, Saturday.</p> <p>3 Q. Would you tell me about that.</p> <p>4 A. The Saturday before everything happened for whatever</p> <p>5 reason that he was arrested, he was over at his</p> <p>6 girlfriend's house at the time. She kind of had an</p> <p>7 abandoned house. So they were in the driveway in a</p> <p>8 car, and he was in the driver's seat, she was in the</p> <p>9 passenger's seat. And she called me, and she's like,</p> <p>10 your dad's overdosing. I don't know what to do. Your</p> <p>11 dad's overdosing. And I was all the way on the south</p> <p>12 side of Flint. This was on the east side of Flint</p> <p>13 where he was located at.</p> <p>14 And I had my friend -- because I can't drive,</p> <p>15 I had my friend drive me over there as fast as we could</p> <p>16 get over there. And she was like smacking him and</p> <p>17 trying to get him to come out of it. And I'm like, you</p> <p>18 know, you can't do that. You don't have -- if you</p> <p>19 don't have any Narcan, you know, you need to pour water</p> <p>20 on his neck, you need to do something. I mean, because</p> <p>21 I've been around my dad so long that I know what he had</p> <p>22 to do when other people have overdosed.</p> <p>23 So I found some bottles of water. Obviously,</p> <p>24 at that time it was still a little chilly out, so the</p> <p>25 water was cold enough, and when I poured it on him he</p>

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<p style="text-align: right;">Page 21</p> <p>1 kind of came to. And I asked Michelle, I'm like, well, 2 my dad's not going to be okay to drive in this car. 3 You know what I mean? You guys need to switch. So I 4 had my dad move to the passenger's side, because I 5 didn't want my dad to try driving after he just, you 6 know, overdosed. And I ended up making sure that he 7 could walk. And I was pretty upset at him, so I ended 8 up leaving. After I made sure he was going to be okay, 9 I left. 10 Q. Okay. So when he overdosed he was in a car? 11 A. Uh-huh. 12 Q. Yes? 13 A. Yes. 14 Q. Did he own the car, or was it somebody else's car? 15 A. No, he did not own the car. 16 Q. Whose car was it? 17 A. I'm not 100 percent certain. 18 Q. And you said he was with a girlfriend? 19 A. Yes. 20 Q. And what was his girlfriend's name? 21 A. Michelle Thompson. 22 Q. And you said she was at an abandoned house? 23 A. Yeah. At that point in time, she claimed that she 24 owned the house. But the house was like no type of 25 living conditions at all. It didn't have heat, water,</p>	<p style="text-align: right;">Page 23</p> <p>1 my daughter. And he was doing really great. This is 2 the greatest my dad has ever done. You know, he had 3 his own business, and things were really going good. 4 You know, he had been clean for a while, and I was so 5 proud of him. I moved in with him. He was paying the 6 rent. This was the first time that I've ever seen my 7 dad so strong on his feet. And then he got around 8 somebody who he ended up getting high with, and he had 9 overdosed. And while he was in a bathtub full of ice, 10 they stole his credit card and went to Meijers and 11 basically took everything that he had off his credit 12 card. And that was kind of like the downward spiral 13 point. 14 Q. Was that 2017? 15 A. 2016 is when that happened. 16 Q. So for 2017 he was using for pretty much the whole 17 year? 18 A. Yeah, pretty much. 19 Q. Now, have you seen any of the documents pertaining to 20 your father's arrest in November of 2017 or any of the 21 charges that were raised against him? 22 A. I spoke with an officer over the phone, and they had 23 told me some of the charges. 24 Q. Right. 25 A. I think it was pretty much all of the charges,</p>
<p style="text-align: right;">Page 22</p> <p>1 electric, no piping. So they were inside the car when 2 everything occurred. 3 Q. Okay. So was she then using as well? 4 A. Yes. 5 Q. Okay. So your father and her were using -- 6 A. Together. 7 Q. -- together? 8 A. Correct. 9 Q. And he had too much? 10 A. Uh-huh. 11 MR. WILENSKY: Is that a yes? I'm sorry. 12 THE WITNESS: Yes. 13 BY MR. SHOUDY: 14 Q. He had an overdose? 15 A. Yes. 16 Q. Did anyone say that that was an attempt to take his 17 life or anything like that? 18 A. No. 19 Q. Okay. 20 A. No. Because after the fact, I was told that Michelle 21 was the one who shot him up that time, so therefore I 22 wouldn't say that at all. 23 Q. Sure. Had your father overdosed in the past? 24 A. He has. He had overdosed in 2016 before he went to 25 rehab. We were living together. I was pregnant with</p>	<p style="text-align: right;">Page 24</p> <p>1 actually, at that point. And my uncle had some 2 documents. And at the time that I seen the documents 3 that he had, the stuff was blacked out, the important 4 stuff was blacked out in my opinion. 5 Q. Okay. 6 A. I haven't seen anything other than that, so. 7 Q. Were you familiar with any of the people that, you 8 know, he -- I mean, you're aware that he went to Uby, 9 Michigan with several other individuals and he was 10 accused of trying to basically, you know, rob a 11 marijuana grow operation? 12 A. Yes. I heard of that. 13 Q. Sure. Okay. And you know one of the individuals who 14 was with him was shot and killed at the residence, and 15 then there was a second person who died who had left 16 the scene with your father and then died just down the 17 road? 18 A. Yes. I heard of that as well. 19 Q. Okay. And then there was also another individual who 20 was arrested at the same time your father was, and then 21 he was -- he's still in jail, and I think he was just 22 sentenced late last year. 23 A. Okay. I didn't know that he was sentenced already. 24 But, yes, I was aware of him. 25 Q. All right. And so are you familiar with any of those</p>

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<p>1 individuals if I gave you their names?</p> <p>2 A. No, I'm not. And I don't know their names. I have</p> <p>3 seen one of them, and it was one of the ones that is</p> <p>4 deceased.</p> <p>5 Q. Okay.</p> <p>6 A. I've seen him once. It was -- he was kind of a lighter</p> <p>7 skinned -- lighter skinned guy, more mixed I guess you</p> <p>8 could say, mulatto in color.</p> <p>9 Q. All right. There was a Quantize Bruce who was shot at</p> <p>10 the location.</p> <p>11 A. Uh-huh. I think that's the one I'm talking about.</p> <p>12 Q. Okay. And then there was a Keith Saunders who ended up</p> <p>13 dying shortly thereafter, that had been hit and was in</p> <p>14 the car that your father was in.</p> <p>15 A. Okay.</p> <p>16 Q. Do you know him?</p> <p>17 A. No.</p> <p>18 Q. And then Preston Jack was the one who was arrested and</p> <p>19 is in jail right now.</p> <p>20 A. Right. I don't know him either.</p> <p>21 Q. Okay. And do you know in November of 2017, had your</p> <p>22 father moved out and was no longer living with you, or</p> <p>23 was he living with you?</p> <p>24 A. We weren't living together at that time. He was living</p> <p>25 with Michelle riding around in that car. So I'm not</p>	<p>1 Q. Correct.</p> <p>2 A. But before that when he was in jail?</p> <p>3 Q. Yes.</p> <p>4 A. Yes. I always communicated with my father while he was</p> <p>5 in jail.</p> <p>6 Q. Okay. So that's something you've done basically all</p> <p>7 your life?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And then I think you indicated in November of</p> <p>10 '17 you had a boyfriend who was also in jail at that</p> <p>11 time?</p> <p>12 A. My boyfriend -- I've been with the one that I'm with</p> <p>13 right now since my daughter was two months old. So the</p> <p>14 Ojwjuan King guy I haven't had anything to do with</p> <p>15 since October of 2015.</p> <p>16 Q. Okay. Is he the father of your youngest?</p> <p>17 A. No, he's not.</p> <p>18 Q. Okay.</p> <p>19 MR. WILENSKY: She said that the current</p> <p>20 boyfriend is the father of her two youngest children.</p> <p>21 BY MR. SHOUDY:</p> <p>22 Q. The two youngest. And then the oldest?</p> <p>23 A. The oldest one --</p> <p>24 Q. That's a daughter, right?</p> <p>25 A. Yeah, it's a daughter. They're all three girls.</p>
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<p>1 sure where he was.</p> <p>2 Q. What color was the car?</p> <p>3 A. It was like a silver-ish blue-ish color I want to say.</p> <p>4 I can't really remember the car like that.</p> <p>5 Q. Yeah. Some people are good at the car makes and</p> <p>6 models.</p> <p>7 A. Right.</p> <p>8 Q. Do you know what those were?</p> <p>9 A. No. I'm not good at that.</p> <p>10 Q. I'm not one of those either.</p> <p>11 A. Right.</p> <p>12 Q. Okay. Now, had your father been in jail before he was</p> <p>13 in the Sanilac Jail?</p> <p>14 A. My dad's been in and out of jail my whole life. He</p> <p>15 used to tell me that jail was his second home, because</p> <p>16 he knew that when he went to jail he would be safe and</p> <p>17 he would have food, and he didn't always have that out</p> <p>18 here.</p> <p>19 Q. Sure. Now, had you spoken with him when he was in jail</p> <p>20 prior to the time he was in the Sanilac County Jail?</p> <p>21 So before his arrest, had there been other times where</p> <p>22 you would -- you know, you were able to communicate</p> <p>23 with him in jail whether by video or phone?</p> <p>24 A. You're talking about -- so not the Sanilac County</p> <p>25 incident?</p>	<p>1 Q. Oh, wow. Good luck.</p> <p>2 A. I'm not really going to pursue that any further, that</p> <p>3 conversation.</p> <p>4 Q. Okay. Fair enough. Yeah. I don't need to know.</p> <p>5 So have you listened -- I gave your lawyer</p> <p>6 some audio tapes. Have you had a chance to listen to</p> <p>7 those?</p> <p>8 A. No.</p> <p>9 Q. Okay. Let me see if I can play these for you. So am I</p> <p>10 correct that you've called in to the Sanilac County</p> <p>11 Jail when your father was in in November of 2017?</p> <p>12 A. Yes.</p> <p>13 Q. And I have you calling in on two occasions. Is that</p> <p>14 correct?</p> <p>15 A. Yes. There was more than that. I have call logs in my</p> <p>16 phone. But, yes, those are the two pertinent ones.</p> <p>17 Q. Do you still have those call logs?</p> <p>18 A. Actually -- well, I turned my phone off, but I believe</p> <p>19 I have them saved in my photos.</p> <p>20 Q. Okay. Is that something I can see?</p> <p>21 A. Yes. November 2017, okay.</p> <p>22 Q. All right.</p> <p>23 A. This is the Sanilac County Jail right here. I called</p> <p>24 on November 22nd at 9:07 a.m. I called on</p> <p>25 November 21st at 4:36 p.m. I called on November 21st</p>

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<p style="text-align: right;">Page 29</p> <p>1 at 10:51 a.m. I called on November 20th at 5:01 p.m.</p> <p>2 I called on November 20th at 1:38 p.m. I called on</p> <p>3 November 20th at 1:37 p.m.</p> <p>4 Q. Okay.</p> <p>5 MR. WILENSKY: Could she take a picture --</p> <p>6 BY MR. SHOUDY:</p> <p>7 Q. Oh, is this a picture here I'm looking at?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Could you just for the record read in the length</p> <p>10 of each of those calls.</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. November 22nd at 9:07 a.m., there was an outgoing call</p> <p>14 for five minutes and zero seconds. On November 21st at</p> <p>15 4:36 p.m., there was an outgoing call for four minutes</p> <p>16 and 48 seconds. On November 21st at 10:51 a.m., it was</p> <p>17 an outgoing call for one minute and nine seconds. On</p> <p>18 November 20th at 5:01 p.m., it was an outgoing call for</p> <p>19 56 seconds. On November 20th at 1:38 p.m., it was an</p> <p>20 outgoing call for one minute and 27 seconds. And then</p> <p>21 November 20th I probably just hung up the phone at 1:37</p> <p>22 p.m., because it was only eight seconds long.</p> <p>23 Q. Okay. I'm sorry, what was the length of the call on</p> <p>24 the 21st at 4:48?</p> <p>25 A. At 4:36?</p>	<p style="text-align: right;">Page 31</p> <p>1 I'd like to do is then do a transcript. So the person</p> <p>2 you spoke with there I believe was Deputy Adamczyk, is</p> <p>3 that correct?</p> <p>4 A. Yes. I know it was a female. I didn't remember the</p> <p>5 name.</p> <p>6 Q. She identified herself as Deputy Adamczyk, right?</p> <p>7 A. Right.</p> <p>8 Q. Okay. And then the two people speaking are you and the</p> <p>9 deputy.</p> <p>10 A. Okay.</p> <p>11 Q. I think it should be easy to follow along, because I've</p> <p>12 listened to it myself. I'm sure your lawyer has as</p> <p>13 well.</p> <p>14 A. Okay.</p> <p>15 MR. SHOUDY: Let me play this.</p> <p>16 DEPUTY ADAMCZYK: This is Deputy Adamczyk.</p> <p>17 MICHELLE SHIMMEL: Hi. My name is Michelle</p> <p>18 Shimmel. I was calling to see if my dad's been</p> <p>19 arraigned yet.</p> <p>20 DEPUTY ADAMCZYK: No, he has not. I'm not</p> <p>21 sure what time they are doing that. But he hasn't been</p> <p>22 arraigned yet.</p> <p>23 MICHELLE SHIMMEL: Okay. Yeah. I have</p> <p>24 another question. Is there any -- do you guys do like</p> <p>25 online visitation?</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. At 4:36, I'm sorry.</p> <p>2 A. It was four minutes and 48 seconds.</p> <p>3 Q. I can't read my own handwriting. And then November</p> <p>4 22nd was at what time?</p> <p>5 A. 9:07 a.m.</p> <p>6 Q. And how long was that one?</p> <p>7 A. Five minutes.</p> <p>8 Q. Okay. Now, earlier you had indicated that the two</p> <p>9 calls that I reference that there was audio recordings</p> <p>10 for, you said those were the pertinent ones. What did</p> <p>11 you mean by pertinent?</p> <p>12 A. I'm hoping they were the longer ones where they would</p> <p>13 have more information in them.</p> <p>14 Q. Okay. All right. So let me --</p> <p>15 A. Sorry about my screen.</p> <p>16 Q. Yeah. Let me explain. I'm going to have -- once</p> <p>17 you've confirmed this is you on the phone, then I'm</p> <p>18 going to ask the court reporter to make a transcript of</p> <p>19 the audio.</p> <p>20 A. Of the conversation?</p> <p>21 Q. Yeah. Just the whole legal system doesn't work well</p> <p>22 with audio, so it's better to have a transcript.</p> <p>23 A. Okay.</p> <p>24 Q. I'm going to do them in order. So there was -- I'm</p> <p>25 going to start with the November 21st. Okay. So what</p>	<p style="text-align: right;">Page 32</p> <p>1 DEPUTY ADAMCZYK: Yeah, but once they get</p> <p>2 into general population. He's still downstairs in</p> <p>3 holding.</p> <p>4 MICHELLE SHIMMEL: Okay.</p> <p>5 DEPUTY ADAMCZYK: It won't be until after</p> <p>6 he's arraigned before we will know something, okay?</p> <p>7 MICHELLE SHIMMEL: Okay. Thank you. I'll</p> <p>8 call -- I'll keep calling.</p> <p>9 DEPUTY ADAMCZYK: If you want to call after</p> <p>10 5:00, we should know something by then, okay?</p> <p>11 MICHELLE SHIMMEL: Okay. Sounds great.</p> <p>12 Thank you so much.</p> <p>13 DEPUTY ADAMCZYK: You're welcome. Bye bye.</p> <p>14 MICHELLE SHIMMEL: Bye.</p> <p>15 BY MR. SHOUDY:</p> <p>16 Q. Okay. And so I guess my question is: Is that the</p> <p>17 phone call you had?</p> <p>18 A. Yes. That was Tuesday, I believe.</p> <p>19 Q. Okay. That's Tuesday the 21st?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you know your dad was arraigned around 3:00,</p> <p>24 3:30 that day?</p> <p>25 A. No, I did not know --</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. Okay.</p> <p>2 A. -- exactly what time it was or anything like that.</p> <p>3 Q. Obviously, because you didn't go to the arraignment?</p> <p>4 A. Right.</p> <p>5 Q. You had a young one at home?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. Let me go to the next one. All right. So this</p> <p>8 one is going to be the one we have a time stamp of</p> <p>9 4:37 p.m.</p> <p>10 A. Okay.</p> <p>11 Q. Which corresponds with your cell phone time, right?</p> <p>12 A. Okay. Well, it was 4:36, but yes.</p> <p>13 Q. Okay. Maybe there's a half minute or minute or maybe</p> <p>14 it doesn't kick in until you actually get through to</p> <p>15 them.</p> <p>16 A. Right.</p> <p>17 Q. All right. So I'm going to go ahead and play this one</p> <p>18 through, and I'll just ask you the same question, if</p> <p>19 this was the conversation you had, okay?</p> <p>20 A. Okay.</p> <p>21 DEPUTY ADAMCZYK: Sanilac County Jail, Deputy</p> <p>22 Adamczyk.</p> <p>23 MICHELLE SHIMMEL: Hi. I was calling to see</p> <p>24 if Steven Shimmel was arraigned.</p> <p>25 DEPUTY ADAMCZYK: Yes, he has been.</p>	<p style="text-align: right;">Page 35</p> <p>1 My dad overdosed on Saturday.</p> <p>2 DEPUTY ADAMCZYK: I can't hear you, ma'am.</p> <p>3 MICHELLE SHIMMEL: I said my dad overdosed on</p> <p>4 Saturday.</p> <p>5 DEPUTY ADAMCZYK: Who's your dad?</p> <p>6 MICHELLE SHIMMEL: Steven Shimmel.</p> <p>7 DEPUTY ADAMCZYK: Okay.</p> <p>8 MICHELLE SHIMMEL: And I had to bring him</p> <p>9 back to life.</p> <p>10 DEPUTY ADAMCZYK: Okay.</p> <p>11 MICHELLE SHIMMEL: So I know that he was</p> <p>12 probably very angry. He had no Narcan or nothing, and</p> <p>13 he was dead for at least five minutes.</p> <p>14 DEPUTY ADAMCZYK: Okay.</p> <p>15 MICHELLE SHIMMEL: So I just -- like -- do</p> <p>16 you know how to set up the phone calls and all that?</p> <p>17 Because he's been trying to call me all day pretty</p> <p>18 much.</p> <p>19 DEPUTY ADAMCZYK: Okay. I can give you our</p> <p>20 information as far as -- they have a video visitation</p> <p>21 thing they might be able to help you with.</p> <p>22 MICHELLE SHIMMEL: Is it kind of similar to</p> <p>23 where you go online to like Securus or something like</p> <p>24 that?</p> <p>25 DEPUTY ADAMCZYK: Yes. We have</p>
<p style="text-align: right;">Page 34</p> <p>1 MICHELLE SHIMMEL: He has been? How do I</p> <p>2 find out more information?</p> <p>3 DEPUTY ADAMCZYK: As of right now, he has no</p> <p>4 bond and -- let's see. Give me a second here. I've</p> <p>5 got to -- he has no bond. And I think the 27th --</p> <p>6 okay. There's no bond. He has court again on</p> <p>7 November 28th for a probable cause hearing, which is to</p> <p>8 determine whether or not they think that there's a</p> <p>9 chance that -- or whether they believe that he's</p> <p>10 responsible for any of these charges or possibly could</p> <p>11 have something to do with them and determine whether or</p> <p>12 not they need to go further or not.</p> <p>13 MICHELLE SHIMMEL: Okay.</p> <p>14 DEPUTY ADAMCZYK: He was charged with eleven</p> <p>15 felony counts. It was assault with intent to murder,</p> <p>16 two of those, conspiracy to commit assault with intent</p> <p>17 to murder, robbery armed serious injury, assault with</p> <p>18 intent to rob while armed, assault with intent to rob</p> <p>19 while armed, conspiracy to commit robbery armed, home</p> <p>20 invasion first degree, weapons firearms possession by</p> <p>21 felon, stolen property receiving and concealing, and a</p> <p>22 weapons felony firearm. And that is all I have.</p> <p>23 MICHELLE SHIMMEL: Felony firearm.</p> <p>24 DEPUTY ADAMCZYK: Okay?</p> <p>25 MICHELLE SHIMMEL: All right.</p>	<p style="text-align: right;">Page 36</p> <p>1 securustext.net.</p> <p>2 MICHELLE SHIMMEL: Okay.</p> <p>3 DEPUTY ADAMCZYK: Okay?</p> <p>4 MICHELLE SHIMMEL: All right. Thank you.</p> <p>5 DEPUTY ADAMCZYK: You're welcome. Did you</p> <p>6 need the website for depositing money if you were</p> <p>7 planning on doing that at all?</p> <p>8 MICHELLE SHIMMEL: Yeah.</p> <p>9 DEPUTY ADAMCZYK: Okay. It's</p> <p>10 smartdeposit.com.</p> <p>11 MICHELLE SHIMMEL: Okay. You said smart?</p> <p>12 DEPUTY ADAMCZYK: Smartdeposit.com.</p> <p>13 MICHELLE SHIMMEL: Okay.</p> <p>14 DEPUTY ADAMCZYK: Okay?</p> <p>15 MICHELLE SHIMMEL: Thank you so much.</p> <p>16 DEPUTY ADAMCZYK: You're welcome. Did you</p> <p>17 want his jacket number, because you're going to need</p> <p>18 that when you go to put money in if you do?</p> <p>19 MICHELLE SHIMMEL: Yeah.</p> <p>20 DEPUTY ADAMCZYK: Okay. His jacket number is</p> <p>21 281255A.</p> <p>22 MICHELLE SHIMMEL: All right. Thank you.</p> <p>23 DEPUTY ADAMCZYK: You're welcome. Have a</p> <p>24 good day.</p> <p>25 MICHELLE SHIMMEL: You too.</p>

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<p style="text-align: right;">Page 37</p> <p>1 BY MR. SHOUDY:</p> <p>2 Q. Okay. That's the phone conversation you had on the</p> <p>3 second call on the 21st?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. Second call.</p> <p>7 Q. And so the first call on the 21st was before he was</p> <p>8 arraigned?</p> <p>9 A. Correct.</p> <p>10 Q. And then the second call was after he was arraigned?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And then your phone also reflects that he placed</p> <p>13 three calls on the 20th. And I think you said the</p> <p>14 first one was only eight seconds, so that was probably</p> <p>15 a hang-up?</p> <p>16 A. Right.</p> <p>17 Q. And then you called at 1:38, and that call lasted a</p> <p>18 minute and 27 seconds?</p> <p>19 A. Correct.</p> <p>20 Q. What do you remember about that call?</p> <p>21 A. Honestly, I can't say that I remember exactly what was</p> <p>22 said between these two calls at all.</p> <p>23 Q. Okay.</p> <p>24 A. I thought that I had mentioned to them that I wanted</p> <p>25 somebody to tell him that I loved him because I</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Was it only the 21st you had received --</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. I think I have that in here too as well.</p> <p>5 Q. Okay.</p> <p>6 A. Let me doublecheck though. Because that was a</p> <p>7 different number. It was like the jail number. I'm</p> <p>8 not seeing it now. I've went through so many phones</p> <p>9 since then. Okay. Actually, here it is right here.</p> <p>10 He did call me. It may have only been the 21st.</p> <p>11 Q. Okay.</p> <p>12 A. Or I just may not have the other times. But the 21st</p> <p>13 he had called me four times.</p> <p>14 Q. Okay. And could you give us the times of those calls?</p> <p>15 A. November 21st at 9:56 a.m., November 21st at 9:58 a.m.</p> <p>16 -- oh, wait. No. That's me trying to call that number</p> <p>17 back.</p> <p>18 Q. Okay.</p> <p>19 A. Okay. So it was November 21st at 9:56 a.m., and I</p> <p>20 stayed on the phone for a minute and 29 seconds even</p> <p>21 though I couldn't pay for it.</p> <p>22 Q. You're talking about your call back to him?</p> <p>23 A. No. He called me on November 21st at 9:56 a.m. It</p> <p>24 says that we were on the phone together for a minute</p> <p>25 and 29 seconds.</p>
<p style="text-align: right;">Page 38</p> <p>1 couldn't answer my phone at some point in there and</p> <p>2 then to keep an eye on him because of the fact that he</p> <p>3 had overdosed and I was concerned for his safety with</p> <p>4 his mental wellbeing and everything.</p> <p>5 Q. Okay. And you were concerned since he had overdosed</p> <p>6 before he might --</p> <p>7 A. He might have some bad thoughts. You know what I mean?</p> <p>8 I know what it feels like to be in jail. I mean, come</p> <p>9 on, whoever goes to jail -- especially for things that</p> <p>10 I know that my dad wasn't accountable for. He may have</p> <p>11 been accountable for one of those charges, but not</p> <p>12 eleven of them. And I feel like he felt like he had no</p> <p>13 way out, and he couldn't get ahold of anybody and maybe</p> <p>14 even that nobody in there was listening to how he felt</p> <p>15 about it, and that that could have been his only</p> <p>16 option.</p> <p>17 Q. So let me ask it this way: Did you ever touch base</p> <p>18 with your dad after he was arrested?</p> <p>19 A. No.</p> <p>20 Q. I think it's mentioned in one of the recorded telephone</p> <p>21 calls that he had tried to call you?</p> <p>22 A. Yes, multiple times.</p> <p>23 Q. And I think you indicated that day, which would have</p> <p>24 been the 21st?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Did he get ahold of you at that time?</p> <p>2 A. No. I didn't have any money to put on the card. I was</p> <p>3 trying to figure out how much they would charge me, and</p> <p>4 then I heard it was like 14.99 or whatever.</p> <p>5 Q. So that's a call, and then when you're receiving it you</p> <p>6 have to pay for it?</p> <p>7 A. Put money down, correct.</p> <p>8 Q. So you're talking basically to a computer or the</p> <p>9 operator?</p> <p>10 A. Yes. I was just listening to what they say or</p> <p>11 whatever. November 21st at 10:09 a.m., he called me</p> <p>12 again. And then I missed his call on November 21st at</p> <p>13 11:31 a.m.</p> <p>14 Q. And the 11:31 a.m. you didn't answer, but the 9:56 a.m.</p> <p>15 and the 10:09 a.m. --</p> <p>16 A. They were both a minute -- well, the first one was a</p> <p>17 minute and 29 seconds. The second one was a minute and</p> <p>18 zero seconds. I just wanted to hear him say his name</p> <p>19 again, because I couldn't talk to him.</p> <p>20 Q. Okay. So the 11:31 a.m. call was he had called and you</p> <p>21 missed the call?</p> <p>22 A. Correct.</p> <p>23 Q. But the earlier two calls you answered, but you didn't</p> <p>24 have the money to complete the connection?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q. Okay.</p> <p>2 A. I'm trying to see if there are anymore in here.</p> <p>3 Q. Were there any calls on the 20th?</p> <p>4 A. I'm not seeing my records from that day at all from him</p> <p>5 calling in.</p> <p>6 Q. Okay. And that would be consistent with the voice mail</p> <p>7 where you said he had called you that day?</p> <p>8 A. Right. Right.</p> <p>9 Q. All right. On the calls that you placed on the</p> <p>10 20th that we went through, and there's actually two</p> <p>11 that were not hang-ups, those two calls, one was a</p> <p>12 minute 27 seconds and the other was 56 seconds?</p> <p>13 A. Right.</p> <p>14 Q. Do you know who you spoke with?</p> <p>15 A. I can't even remember what you said her name was. I</p> <p>16 know it was a female. That's all I can remember.</p> <p>17 Q. Can you testify as to anything that was said more than</p> <p>18 what we've had recordings for?</p> <p>19 A. No.</p> <p>20 Q. Okay. That's because you don't remember?</p> <p>21 A. Right.</p> <p>22 Q. But what you were trying to do, I assume, is call and</p> <p>23 find a way to return your dad's calls?</p> <p>24 A. Correct.</p> <p>25 Q. Or connect with your dad because you knew he was there,</p>	<p style="text-align: right;">Page 43</p> <p>1 up finding it and calling, and that's how I found out</p> <p>2 he was there.</p> <p>3 Q. Okay. And I think there was like a newspaper article</p> <p>4 published?</p> <p>5 A. Uh-huh.</p> <p>6 Q. That I did notice on Facebook you had flagged and</p> <p>7 attached to your Facebook account.</p> <p>8 A. Okay.</p> <p>9 Q. Does that ring a bell?</p> <p>10 A. Yes. There's a couple of those articles there.</p> <p>11 Q. And I think you posted, hey, that's actually my dad?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So somebody told you that he was actually</p> <p>14 arrested up in Sanilac County?</p> <p>15 A. Right.</p> <p>16 Q. Okay. Then there was also a call on your cell phone</p> <p>17 you referenced on November 22nd at 9:07?</p> <p>18 A. Yes.</p> <p>19 Q. And that was like a five-minute call?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me what you remember about that call.</p> <p>22 A. That was a phone call with Sheriff Biniecki.</p> <p>23 Q. Okay.</p> <p>24 A. I remember talking to him about it. Because I believe</p> <p>25 my aunt called me at 6:00 in the morning telling me</p>
<p style="text-align: right;">Page 42</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Actually, on the 20th, you weren't returning his call,</p> <p>4 you were trying to reach him?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And so that was the purpose of the calls on the</p> <p>7 20th, and that was also the purpose of the calls on the</p> <p>8 21st?</p> <p>9 A. Right. Because when I first called at 1:30, I was in</p> <p>10 school. And I had received a call from one of my dad's</p> <p>11 friends who had informed me that my dad may potentially</p> <p>12 be in jail at that time.</p> <p>13 Q. Okay.</p> <p>14 A. And so I called -- I left school. I went out to my car</p> <p>15 at the time, and I called the Genesee County Jail.</p> <p>16 They said they had nobody at that time, you know, by</p> <p>17 his name there or whatever. So then I called the</p> <p>18 person back who had informed me, and they said, well,</p> <p>19 maybe you need to try a different jail. And I'm like,</p> <p>20 well, what different jail would he be in? You know</p> <p>21 what I mean? Because my dad doesn't really go outside</p> <p>22 of Flint like that. And so they were like, well, I was</p> <p>23 told that he might be on his way back from Sanilac</p> <p>24 County. And I'm like Sanilac County, where is Sanilac</p> <p>25 County at? So then I looked up the number, and I ended</p>	<p style="text-align: right;">Page 44</p> <p>1 that Sanilac County Police had showed up to her door at</p> <p>2 3:00 a.m. to inform her of my dad.</p> <p>3 Q. When you say your aunt, this is your Aunt Ruth?</p> <p>4 A. My Aunt Ruth, correct. And my phone was on silent. I</p> <p>5 didn't even see that she called until then. And then I</p> <p>6 didn't want to call her back at 6:00 in the morning,</p> <p>7 because I didn't know if she was sleeping or not. So I</p> <p>8 think I waited until right before I talked to Sheriff</p> <p>9 Biniecki to return my aunt's phone call, and that's</p> <p>10 when she told me that my dad had passed away. And I</p> <p>11 was over at my mom's house when I found out.</p> <p>12 And I talked to Sheriff Biniecki for a minute</p> <p>13 and found out, you know, like, you know, he committed</p> <p>14 suicide. And I'm like -- I was kind of like in shock.</p> <p>15 You know what I mean? Because I never would expect</p> <p>16 something like that from my dad, especially in jail.</p> <p>17 Because like I had mentioned before, he said that was</p> <p>18 his safe -- his second home and he was -- he felt more</p> <p>19 safe there always.</p> <p>20 And I was just in shock. At that point I was</p> <p>21 more concerned about my brother, because he wasn't</p> <p>22 here. You know what I mean? And so Sheriff Biniecki</p> <p>23 was willing to help us, help my brother get back here</p> <p>24 and work with Red Cross Blue Shield, which was great.</p> <p>25 But I just -- I just can't believe it all happened. I</p>

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<p style="text-align: right;">Page 45</p> <p>1 just -- I feel like there's a lot more that's left out 2 that I don't know, and I don't know if I'll ever know, 3 which is a major, major thing for me. Because, like, 4 I'm never going to be able to say goodbye, and I'm 5 never going to know everything that happened, and I 6 just don't feel like it's right. 7 Q. Ma'am, I'm sorry for your loss. I know it's very hard. 8 So the five-minute call with Sheriff Biniecki 9 was about -- I'm sorry, what was it about? 10 A. It was him informing me himself that he was sorry for 11 the loss of my father, asking me if there anything he 12 could do for me. He was willing to help us, you know, 13 work with Red Cross Blue Shield or whatever it's called 14 to get my brother back home, and that he was, you know, 15 working with the coroner and he didn't want to release 16 the information to the public yet. That was a major 17 thing for me. He said that he didn't want to release 18 the information to the public yet. He wanted to make 19 sure that everybody was informed. But they were kind 20 of like harassing him is basically what he was saying 21 to me. You know, he can't keep it down low for a long 22 time. He's going to end up having to release it to the 23 public. 24 Q. So the call -- 25 A. To the media.</p>	<p style="text-align: right;">Page 47</p> <p>1 realize that, you know, maybe I really do need to watch 2 this person. 3 Q. Okay. And I think you indicated that your father to 4 your knowledge had never been suicidal in the past? 5 A. He's never been suicidal to my knowledge. He had 6 struggled with depression and bipolar. More bipolar 7 than anything. Because he had a lot of anger problems 8 that go back to him being abused when he was a child. 9 Q. But you never told anyone that you thought he was 10 suicidal, because you didn't think he was suicidal? 11 A. Correct. I didn't think he was suicidal. I mean, I 12 was concerned as to how he would respond, because he's 13 never been charged with eleven felony counts or 14 possibly could be charged with eleven felony counts. 15 You know what I mean? And then him overdosing, and 16 then his history of mental health, I was concerned. 17 But I didn't think that, you know, he was going to 18 commit suicide. 19 Q. Right. There's a couple of other questions I wanted to 20 ask you. Are you familiar with an entity called Kith 21 Haven, K-i-t-h, Haven, H-a-v-e-n? 22 A. No. 23 Q. Is there a nursing home in Flint by that name? 24 A. Kith Haven? 25 Q. Okay. I'll go with that.</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. So had you called the sheriff, or had he called you? 2 A. That was me calling them. 3 Q. Okay. And it sounds like the sheriff was offering you 4 his condolences and trying to do what he could to help 5 you and at least keep it quiet until the family was 6 informed? 7 A. Yes. 8 Q. Okay. Did you talk to any other Sanilac County 9 deputies? 10 A. I can't remember exactly who I talked to for the first 11 two calls that happened on the 20th. I thought one of 12 them was a male and one of them was a female. 13 Q. Okay. 14 A. But I'm not 100 percent certain. Because I didn't even 15 remember all their names like that. I just remember 16 like the gist of the conversations of me wanting to let 17 them know about what happened prior to this tragic 18 event. 19 Q. Sure. 20 A. And to try to keep my dad safe. I mean, I may not have 21 said exactly what I needed to say at that point in 22 time, like, you know, keep your eyes on him directly, 23 but I did say, you know, my dad overdosed. 24 Q. Right. 25 A. Which should have been key words for somebody to</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I've heard of a nursing home named that, but I don't -- 2 I'm not familiar with it at all. 3 Q. Is there any connection with your dad to that nursing 4 home? Did he stay there, go there, work there? 5 A. Huh-huh. 6 Q. No? 7 A. Not that I'm aware of at all. 8 Q. Okay. And are you familiar with Havenwyck? 9 A. Havenwyck? 10 Q. Yes. 11 A. Oh, that's a mental health hospital. I've been there 12 before. 13 Q. Okay. Where is that? 14 A. Honestly, I'm not sure. I've been to like four 15 different ones. All I know is that there's one of them 16 in Saginaw, one's in Pontiac, and there's a couple of 17 different ones. 18 Q. Sure. Okay. And do you know if your father has ever 19 been there? 20 A. He more than likely has. 21 Q. Okay. 22 A. I'm not 100 percent sure. 23 Q. Sure. Okay. And do you know, did your father have a 24 regular physician he was treating with? 25 A. Yes, he did.</p>

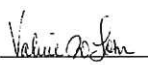
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<p style="text-align: right;">Page 49</p> <p>1 Q. Was that Dr. Roome?</p> <p>2 A. No. His doctor was Dr. Burtch, and he was located at</p> <p>3 Hamilton Health Clinic on South Saginaw in Burton.</p> <p>4 Q. Okay. Any other physicians that you're aware of that</p> <p>5 he was going to?</p> <p>6 A. No, I'm not sure.</p> <p>7 Q. Other than CMH, any other places other than what you've</p> <p>8 already said that you believe he was receiving any type</p> <p>9 of psychiatric treatment from?</p> <p>10 A. No.</p> <p>11 Q. I think I asked you this before. But you haven't seen</p> <p>12 any of the documents in this case as to the jail</p> <p>13 documents or anything like that?</p> <p>14 A. No. I've seen like one document pretty much that was</p> <p>15 blocked out, like the things that were more important</p> <p>16 to this case. His mental health history was blocked</p> <p>17 out, things like that. And for the most part, that's</p> <p>18 about it. Like, I didn't really see anything else like</p> <p>19 that.</p> <p>20 Q. Did you watch any videos?</p> <p>21 A. No.</p> <p>22 Q. Okay. And you haven't talked to any of the deputies --</p> <p>23 A. No.</p> <p>24 Q. -- since you father's passed away?</p> <p>25 A. Correct, I have not. Except for Sheriff Biniecki right</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Before your dad was arrested, he wasn't living with</p> <p>2 you, correct?</p> <p>3 A. No, not at that time.</p> <p>4 Q. All right. How often would you see him?</p> <p>5 A. I was seeing him like every day.</p> <p>6 Q. Every day?</p> <p>7 A. Yes.</p> <p>8 Q. How often would he see his grandchildren?</p> <p>9 A. Every day.</p> <p>10 Q. How did he get along with his grandchildren?</p> <p>11 A. Great.</p> <p>12 MR. SHOUDY: You're saying grandchildren. Do</p> <p>13 you mean grandchild at that time?</p> <p>14 THE WITNESS: Grandchild at that time.</p> <p>15 MR. SHOUDY: Okay.</p> <p>16 THE WITNESS: Yeah. That was his pride and</p> <p>17 joy. They were inseparable.</p> <p>18 BY MR. WILENSKY:</p> <p>19 Q. They were inseparable did you say?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And then to your knowledge your dad did not</p> <p>22 have a history -- he had a mental health history,</p> <p>23 correct?</p> <p>24 A. Right.</p> <p>25 Q. All right. He had different addiction problems?</p>
<p style="text-align: right;">Page 50</p> <p>1 after.</p> <p>2 Q. That one call you already told me about?</p> <p>3 A. Yes. There was more than just that one call. I don't</p> <p>4 know where all of them are, but I've talked -- I talked</p> <p>5 to Sheriff Biniecki a little bit after, you know, my</p> <p>6 dad passed, because he kind of just wanted to keep in</p> <p>7 touch and help me. And he notified me when he released</p> <p>8 it to the media and things like that.</p> <p>9 Q. Okay.</p> <p>10 A. It was just -- like not -- not like days after or</p> <p>11 anything like that. It was just like that day, the day</p> <p>12 after and then maybe even the next day.</p> <p>13 Q. Okay.</p> <p>14 A. But I'm not 100 percent sure on that.</p> <p>15 Q. The calls were all just relating to trying to help you?</p> <p>16 A. Yeah. And kind of give me a little bit of closure. It</p> <p>17 didn't really help, but yeah.</p> <p>18 Q. Sure. Yeah. Understandable.</p> <p>19 MR. SHOUDY: Okay. Ma'am, that's all I have.</p> <p>20 Thank you very much.</p> <p>21 MR. WILENSKY: I have one or two quick</p> <p>22 questions.</p> <p>23 THE WITNESS: Okay.</p> <p>24 EXAMINATION</p> <p>25 BY MR. WILENSKY:</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Right.</p> <p>2 Q. And those were longstanding, correct?</p> <p>3 A. Correct.</p> <p>4 Q. All right. If he answered in the questionnaire at</p> <p>5 Sanilac County about prior suicide attempts yes, that's</p> <p>6 not something you knew about?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And, of course, you were not with him when he</p> <p>9 answered these questions?</p> <p>10 A. Correct.</p> <p>11 Q. Your dad was trying to call you on 20th, and you were</p> <p>12 trying to return the calls. We've established that,</p> <p>13 correct?</p> <p>14 MR. SHOUDY: Actually --</p> <p>15 THE WITNESS: The 21st.</p> <p>16 MR. SHOUDY: -- I think he said the 21st is</p> <p>17 when he tried to call.</p> <p>18 MR. WILENSKY: No. I thought I said the</p> <p>19 20th.</p> <p>20 BY MR. WILENSKY:</p> <p>21 Q. Oh, your dad tried to call you on the 21st, but you had</p> <p>22 -- those first calls you made?</p> <p>23 A. Yes.</p> <p>24 Q. There's three calls on the 20th?</p> <p>25 A. On the 20th, yes.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. One where you hung up?</p> <p>2 A. Yes.</p> <p>3 Q. And two were fairly short, like one was one minute and</p> <p>4 27 seconds and one was 56 seconds?</p> <p>5 A. Correct.</p> <p>6 Q. All right. You didn't get to talk to your dad on those</p> <p>7 occasions, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Was it that same Deputy Adamczyk?</p> <p>10 A. I don't think so. But I'm not 100 percent sure.</p> <p>11 Q. Male or female?</p> <p>12 A. Like I said before, I think it was probably one male</p> <p>13 and one female. But I don't remember what their names</p> <p>14 were.</p> <p>15 Q. All right. You said you specifically didn't recall</p> <p>16 what you talked about. Do you have any general</p> <p>17 remembrance of what you talked about?</p> <p>18 A. I'm pretty sure that I just wanted somebody to tell him</p> <p>19 that I love him. And I was trying to get more</p> <p>20 information, but they didn't have anything they could</p> <p>21 tell me at that point.</p> <p>22 Q. Okay. You mentioned during your testimony that you</p> <p>23 didn't use the words watch him, but you were concerned</p> <p>24 about him.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. All right. And then the first on the 20th was 1:38. I</p> <p>2 assume that's the afternoon?</p> <p>3 A. Yes.</p> <p>4 Q. All right. We've heard the audio of you mentioning the</p> <p>5 overdose. That was on the 21st, that call, the longer</p> <p>6 call?</p> <p>7 A. Yes.</p> <p>8 Q. Did the overdose get mentioned on the 20th, if you</p> <p>9 remember?</p> <p>10 A. I can't guarantee that.</p> <p>11 MR. WILENSKY: Okay. That's all I have.</p> <p>12 MR. SHOUDY: Thank you, ma'am.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 (The deposition was concluded at 2:42 p.m.</p> <p>15 Signature of the witness was not requested by</p> <p>16 counsel for the respective parties hereto.)</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. Okay. And you were there for the overdose?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And the time lapse between the overdose --</p> <p>4 I think you said that was on Saturday?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And what day was he arrested?</p> <p>7 A. Sunday.</p> <p>8 Q. Had the purported crime already been committed when he</p> <p>9 overdosed, or not?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 A. The crime was the following morning from what I heard.</p> <p>13 Q. Okay. So what time -- I don't think we established the</p> <p>14 time on Saturday. Was that day or evening --</p> <p>15 A. On Saturday it was about -- I want to say it was about</p> <p>16 2:30, 3:00 p.m.</p> <p>17 Q. In the afternoon?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. How long were you there before you left?</p> <p>20 A. Long enough to get him back alive and leave. It was</p> <p>21 probably about 25, 30 minutes.</p> <p>22 Q. All right.</p> <p>23 A. Enough for me to see that he was going to be alive.</p> <p>24 Q. Okay. So that would have been -- Saturday was the 18?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 CERTIFICATE OF NOTARY</p> <p>2 STATE OF MICHIGAN)</p> <p>3) SS</p> <p>4 COUNTY OF ST. CLAIR)</p> <p>5</p> <p>6 I, Valerie Jo Lohr, C.S.R., certify that this</p> <p>7 deposition was taken before me on the date hereinbefore</p> <p>8 set forth; that the foregoing questions and answers</p> <p>9 were recorded by me stenographically and reduced to</p> <p>10 computer transcription; that this is a true, full and</p> <p>11 correct transcript of my stenographic notes so taken;</p> <p>12 and that I am not related to, nor of counsel to, either</p> <p>13 party nor interested in the event of this cause.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 </p> <p>21</p> <p>22 VALERIE JO LOHR, CSR-6212</p> <p>23 Notary Public,</p> <p>24 St. Clair County, Michigan</p> <p>25 My commission expires: May 23, 2020</p>